

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.11985 of 2006

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Dated:16.06.2006

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Between:

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Smt.Mudunuru Janaki.

...Petitioners

and

The Mandal Revenue Officer, S.Kota, and others.

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.11985 of 2006

ORDER:

The petitioner is a resident of S.Kota Village and Mandal, Vizianagaram District. She purchased the land admeasuring Acs.5.06 cents in Survey No.124 under a registered sale deed dated 03.06.1982. She also obtained pattadar pass books and title deeds from the first respondent. Action was initiated by the first respondent under the provisions of the Andhra Pradesh Assigned Lands

(Prohibition of Transfers) Act, 1977 (for short 'the Act'). By issuing show cause notice, the first respondent passed orders on 09.05.1998 ordering resumption of the land for contravention of the provisions of Section 3(1) of the Act. Aggrieved by the same, the petitioner unsuccessfully filed an appeal before the second respondent under Section 4-A of the Act, which was dismissed on 18.07.2005. Therefore, the petitioner filed a revision petition before the Joint Collector, Vizianagaram, in 2006. She also filed an application to condone the delay. By order dated 08.02.2006 the Joint Collector dismissed the revision petition observing that the petitioner failed to submit any documentary evidence for condonation of the delay. Ultimately, the petitioner filed a revision petition again before the third respondent and also moved an application for stay of dispossession. The said revision petition was filed on 15.03.2006, but no orders were passed. The petitioner now alleges that while the revision petition is pending before the Government, the first respondent is seeking to dispossess her. Therefore, she filed the present writ petition for a writ of mandamus declaring the action of the first respondent in seeking to evict her from the subject land as illegal and arbitrary.

This Court has heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (Assignment). It is now well settled that when once a person has availed a statutory remedy, whatever be the reason, a writ petition would not lie (see **Bombay Metropolitan Region Development Authority v. Gokak Patel Volkart Ltd.**). The petitioner has already filed a revision petition and therefore, she has to pursue the matter with the Government.

The learned Assistant Government Pleader submits that the revision petition is still pending, and therefore, the third respondent is directed to dispose of the application for stay filed by the petitioner along with the revision petition within a period of ten days from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

(V.V.S.RAO, J)

16.06.2006

Note: Issue C.C by tomorrow.

B/o.

vs